UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1/Add.2
28 May 1996

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

SPAIN

1. At its 3rd, 5th, 6th and 7th meetings, held on 1, 2 and 3 May 1996, the Committee considered the third periodic report of Spain concerning the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.5), as well as the written replies to the additional questions drawn up by the pre-sessional working group, and adopted, at its 22nd meeting, held on 14 May 1996, the following concluding observations.

A. Introduction

2. The Committee expresses its satisfaction at the detailed report submitted by the State party and the substantial additional information supplied in writing, as well as the excellent dialogue established between its members and the large delegation of experts, including women, representing the ministries concerned.

3. However, the Committee regrets that the Government did not cover articles 7, 8, 9 and 12 of the Covenant in its report. Nevertheless, the Committee is satisfied with the oral information concerning those articles provided during the dialogue, which demonstrates the Government's firm resolve to implement all the provisions of the Covenant.

B. Positive aspects

4. The Committee congratulates Spain on the many steps, in constitutional law and otherwise, it has taken to promote the realization of the economic,

social and cultural rights set forth in the Covenant. It notes with satisfaction the particular efforts the Government has made to address unemployment in various forms, the positive action taken to enable adults to pursue academic studies, even through distance learning, the improvement of the status of motherhood and fatherhood and the special attention paid to protecting the rights of elderly persons.

C. Factors and difficulties impeding the implementation of the Covenant

5. The Committee notes the difficulties currently being experienced by Spain as a result of structural changes and the economic recession. The decentralization and privatization of some social services, persistent large-scale unemployment and budget cuts affect the whole population, and especially the most vulnerable groups.

D. Principal subjects of concern

6. The Committee notes with concern that despite the new legislative provisions in force, discrimination continues against women with regard to the right to equal treatment at work, the right to equal pay and access to education.

7. The Committee also notes with concern that as a result of the economic recession, budget cuts have been made in the social welfare sector and have had a particular impact on the most vulnerable groups in society. In this regard, the Committee emphasizes the importance of the views expressed in its General Comment No. 3 that even in times of severe resource constraints, whether caused by a process of adjustment, of economic recession, or by other factors, the vulnerable members of society can, and indeed must, be protected by the adoption of relatively low-cost targeted programmes.

8. The Committee further notes with concern that the unemployment rate in Spain is extremely high, and particularly so for women and young people.

9. The Committee notes the persistence of a worrying rate of illiteracy, especially among women and in certain southern regions.

10. The Committee notes with great concern the growth in the number of acts of discrimination and racism against foreigners in Spain, particularly directed at groups from North Africa, asylum seekers, illegal workers and the Romany (Gypsy) population.

11. The Committee notes that the central Government does not systematically collect disaggregated national statistics concerning the rights covered by the Covenant, and that consequently it does not always possess adequate data to enable it to evaluate the application of the Covenant fully and appropriately.

12. The Committee notes that the public as a whole and the media are still largely ignorant of the Covenant's provisions, with the result that the vast majority of the population is unaware of the commitments entered into by the Spanish authorities with regard to economic, social and cultural rights.

E. Suggestions and recommendations

13. The Committee recommends that the Spanish authorities continue their efforts to ensure effective equality between men and women, in particular with regard to access to education and jobs and equal pay for equal work.

14. The Committee recommends that the State party take special steps to protect the most vulnerable groups in society as effectively as possible against the impact of the budget cuts currently affecting the social sector.

15. The Committee encourages the Government of Spain to continue to devise and apply all possible measures to curb the present rate of unemployment. In that context, it suggests that the State party should retain the integration of women and young people in the labour market as a priority policy.

16. The Committee encourages the Spanish authorities to take all necessary steps to reduce the level of illiteracy, which particularly affects women and certain population groups living in particular parts of the country.

17. The Committee urges the Government to take all appropriate preventive and penal measures to combat effectively all forms of racial discrimination which particularly affects groups from North Africa, asylum seekers, illegal workers and the Romany (Gypsy) population.

18. The Committee recommends that the State party should take the necessary steps systematically to collect and analyse disaggregated national statistics relating to the provisions of the Covenant, in order to have an effective tool for monitoring the realization of those rights.

19. The Committee recommends that the State party's report and the concluding observations should be extensively publicized within the country, especially through the media, the universities and interested non-governmental organizations.

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